

ORDINANCE NO. 2011-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING SECTION 3.36.030 OF THE NEWPORT BEACH MUNICIPAL CODE

WHEREAS, the City of Newport Beach ("City") funds certain municipal services, which are typically performed without request by the user, benefit the public generally and are traditionally funded by tax revenue; and

WHEREAS, the City performs other services which are funded in whole or in part by the person requesting the service; and

WHEREAS, Section 3.36.030(E), Exhibit "A", provides that the City's cost of providing Revenue Services shall be recovered as follows:

| Revenue | |
|--------------------------|-----|
| Parking Reviews | 0% |
| Parking Hearings | 0% |
| Admin. Cite Hearings | 0% |
| Dog License - Sterilized | 50% |

WHEREAS, Section 3.36.030(E), Exhibit "A", provides that the City's cost of providing Library Services shall be recovered as follows:

| Library Services | |
|----------------------|------|
| Meeting Room Rentals | 0.2% |
| Rentals - Book/Video | 5% |

WHEREAS, Section 3.36.030(E), Exhibit "A", provides that the City's cost of providing Recreation and Senior Services shall be recovered as follows:

| Recreation and Senior Services | |
|--------------------------------|-----|
| Adult Sports | |
| Volleyball | 60% |
| Soccer | 70% |
| Basketball | 85% |

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| Park Rentals | 80% |
| Facility Rentals | 95% |
| Park Patrol | 85% |
| After School/Camp Programs | |
| Vacation Camps | 30% |
| Summer Recess Camp | 30% |
| KidScene After-School Program | 20% |
| Teen Program | 15% |
| Aquatics | |
| CdM Pool | 35% |
| Water Polo | 35% |
| Lap Swim | 50% |
| Rentals | 8% |
| Lessons | 40% |
| Fee Classes | 75% |
| Youth Sports | |
| Basketball—Winter | 50% |
| Youth Flag Football | 50% |
| Tiny League Football | 50% |
| Basketball Tiny League | 50% |
| Basketball—Summer | 50% |
| Track and Field | 50% |
| Special Events—Levels 1, 2, and 3 | 80% |
| Senior Services | |
| Oasis Transportation | 3% |
| Classes | 11% |
| Oasis Rentals | 95% |

WHEREAS, Section 3.36.030(D) provides that City Council may modify the cost recovery percentage for any service by amending this chapter; and

WHEREAS, the Dog Licensing Program was outsourced, so the reference to the subsidy is no longer required; and

WHEREAS, the Library cost recovery percentage for Meeting Room Rentals should be rounded up to 1%; and

WHEREAS, Library Book/Video Rentals are now processed more efficiently, and therefore, the cost-of-services percentage recovery should be increased, and the name changed to Material Rentals; and

WHEREAS, the cost of services study for Recreation and Senior Services now includes the cost of facilities, the costs of services has increased. Council desires to maintain fees at current levels to encourage residents to participate in a valued community benefit, and therefore, the cost recovery percentages must be modified accordingly to maintain the current fees; and

WHEREAS, to streamline the fee schedule and Section 3.36, some categories in Recreations have been combined to create new categories, which include Adult Sports, Adult Drop-In Sports, Rentals, Camps, After-School/Teen Program, Aquatics, and Youth Sports; and

WHEREAS, Council desires to add cost recovery percentages for Badge Replacement, Class Refunds and Fitness Center; and

WHEREAS, the fee and the cost recovery percentage for Marine Preserve Tours is now moved from Harbor Resources to Recreation and Senior Services; and

WHEREAS, Council desires to bifurcate the cost recovery percentages for Special Events fees between Resident and Non-Resident, and add a cost recovery percentage of 25% to appeal to City Council; and

WHEREAS, Council desires to add a cost recovery percentage of 30% for the new fee of Construction Water Hydrant Establishment in order to encourage participation in obtaining a construction water hydrant and discourage water; and

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

SECTION 1: Section 3.36.030, Exhibit “A”, of the Newport Beach Municipal Code is hereby amended to read as follows:

| Service | Percentage of Cost to Be Recovered from |
|---------|---|
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| | |
|-------------------------|--------------------|
| | Direct Fees |
| Building | |
| Preliminary Plan Review | 75% |

INTRODUCED

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| Planning | |
| Appeals to City Council | 50% |
| Appeals to Planning Commission | 50% |
| Recreation and Senior Services | |
| Adult Sports | |
| Adult Sports | 62% |
| Adult Drop-In Sports | 15% |
| Rentals | 50% |
| Badge Replacement | 45% |
| After School/Camp Programs | |
| Camps | 40% |
| After-School/Teen Program | 20% |
| Pre-School Program | 40% |
| Aquatics | 20% |
| Contract Classes | 60% |
| Class Refunds | |
| \$74 or less | 29% |
| \$75 or more | 59% |
| Youth Sports | 25% |
| Special Events—Levels 1, 2, and 3 | |
| Resident | Up to 45% |
| Non-Resident | Up to 85% |
| Appeal to City Council | 25% |
| Senior Services | |
| Oasis Transportation | 5% |
| Contract Classes | 50% |
| Oasis Rentals | 45% |
| Fitness Center | 50% |
| Marine Environment Services - | 15% |

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| Marine Preserve Tours | |
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INTRODUCED

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| Library Services | |
| Meeting Room Rentals | 1% |
| Rentals - Video | 20% |
| Inter-library Loan | 10% |
| Fire and Marine | |
| Emergency Operations Services | |
| Advanced Life Support – Escorted | Up to 80% |
| Advanced Life Support - Not Escorted | Up to 80% |
| Basic Life Support - Escorted | Up to 80% |
| Basic Life Support - Not Escorted | Up to 80% |
| Construction and Inspection Services - State-Mandated Inspections | |
| Day Care Facilities | 25% |
| Police | |
| Initial Concealed Weapons Permit | Maximum Permitted by Law |
| Concealed Weapon Permit Renewal | Maximum Permitted by Law |
| Bike Licenses | 17% |
| Subpoena Duces Tecum | Maximum Permitted by Law |
| Vehicle Release | 91% |
| Domestic Violence Reports | 0% |
| Missing Persons Report | 0% |
| Second Hand/Pawn Dealer Tag Check | 0% |
| Registrant—Sex | 0% |
| Registrant—Narcotics | 0% |

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|---|-----|
| Public Works | |
| Engineering | |
| Encroachment Permit without Traffic Engineer Review | 88% |
| Encroachment Permit with Traffic Engineer Review | 57% |
| Finance | |
| Parking Reviews | 0% |
| Parking Hearings | 0% |
| Admin. Cite Hearings | 0% |
| Municipal Operations | |
| Construction Water Meter Establishment | 30% |

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the 22nd day of November, 2011, and adopted on the 13th day of December, 2011, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT, COUNCILMEMBERS _____

MICHAEL F. HENN, MAYOR

ATTEST:

LEILANI BROWN, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

AARON HARP, CITY ATTORNEY